

**STATE OF CALIFORNIA  
CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS  
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**TITLE 12. MILITARY AND VETERANS AFFAIRS  
DIVISION 2. DEPARTMENT OF VETERANS AFFAIRS  
CHAPTER 3. VETERANS' SERVICES  
SUBCHAPTER 3.6. CALIFORNIA STATE APPROVING AGENCY FOR  
VETERANS EDUCATION  
SECTIONS 443, 444, 445, 446, 447**

**Section 443. Definitions.**

For purposes of this subchapter, the following definitions shall apply:

- (a) "Accredited" means accredited by a nationally recognized accrediting agency or association and appearing on the list published by the U.S. Secretary of Education under title 38 of the United States Code section 3675(a).
- (b) "Cohort default rate" means an institution's latest official three-year cohort default rate as defined in title 20 of the United States Code section 1085(a)(2)(A), and as most recently reported by the United States Department of Education (USDE).
- (c) "Completion rate" means the rate of student graduates as required by the institutions accrediting agency.
- (d) "CSAAVE" means the California State Approving Agency for Veterans Education.
- (e) "Degree-granting institution" means a college, university, or similar institution, including a technical or business school, offering postsecondary level academic instruction that leads to an associate or higher degree.
- (f) "Diploma" means a recognized educational credential, other than a degree, awarded by an institution that signifies satisfactory completion of the requirements of a postsecondary educational program below the associate's level. A "diploma" includes a "certificate."
- (g) "Employment market assessment" means an analysis of the labor market and needs assessment to demonstrate the employment demand for the program in the geographic area in which the program is advertised and is offered to students.
- (h) "Institution" means a postsecondary institution defined in 38 Code of Federal Regulations parts 21.4200(a) and 21.7020(a)(29).

- (i) “License exam pass rate” means the percentage of program graduates as published by the institution’s licensing agency and/or accrediting agency, where applicable.
- (j) “Non-standard college degree” means a recognized educational credential, other than a standard college degree as defined in 38 Code of Federal Regulations part 21.4200(e), awarded by an institution that signifies satisfactory completion of the requirements of a postsecondary educational program below the associate’s level.
- (k) “Placement rate” means the rate of graduates placed for employment as required by the institutions accrediting agency.
- (l) “Postsecondary institution” means an institution as defined in Education Code section 94858, a public institution as defined by this subchapter, or an independent institution of higher education as defined in Education Code section 66010.
- (m) “Program of education” means a combination of subjects or unit courses pursued at an educational institution. The combination generally is accepted as necessary to meet requirements for a predetermined educational, professional or vocational objective. It may consist of subjects or courses which fulfill requirements for more than one objective if all objectives pursued are generally recognized as being related to a single career field. (38 C.F.R. § 21.7020(b)(23).)
- (n) “Public institution” means any of the: (1) California Community Colleges; (2) California State Universities, to include each campus, branch, and function thereof; (3) each campus, branch, and function of the University of California; (4) California public high schools; (5) California adult schools; and (6) Regional Occupation Centers.
- (o) “Student” means a person who has enrolled in an institution or program required to comply with this subchapter.
- (p) “Student financial aid” means any grant or loan proceeds available for tuition or other cost of attendance, as defined under title 20 United States Code section 1087II, from a state or federal student financial aid program, including a grant or loan under Title IV of the Higher Education Act of 1965, an educational benefit available under title 38 United States Code, chapters 30-36, educational assistance under title 10 United States Code, chapters 101-112, a Cal Grant under Education Code section 69430 et seq., or any credit or loan provided or guaranteed in whole or part by the institution, or any affiliate of it. It does not include any government funds paid directly to a public institution or any reduction of tuition offered by a public institution.
- (q) “Title 38 eligible institution” means a postsecondary institution that meets all applicable legal requirements for approval by CSAAVE.

- (r) “Title 38 eligible program” means a program offered by a Title 38 eligible institution that is approved by CSAAVE and in compliance with title 38 of the United States Code, section 3670 et seq. and this subchapter.
- (s) “Veterans educational benefits” or “veterans benefits” means any benefits available under title 38 United States Code, part III, chapters 30 through 36 (beginning with section 3001) or title 10 United States Code subtitle E, part IV, chapter 1606 (beginning with section 16131).

**Note:** Authority cited: 38 U.S.C. §§ 3671 and 3672; 10 U.S.C. § 16162; 38 C.F.R. §§ 21.4150-21.4255; Cal. Mil. & Vet. Code § 700; Cal. Educ. Code §§ 67100 - 67104; 38 U.S.C. §§ 3001-3699; 10 U.S.C. §§ 16131 – 16136.

#### **Section 444. Institutions: Requirements for CSAAVE Approval.**

- (a) To be approved by CSAAVE, a postsecondary institution must qualify as a Title 38 eligible institution, and, if the institution is a degree-granting institution, it shall provide proof of accreditation pursuant to Education Code section 67102.
- (b) Notwithstanding subdivision (a), CSAAVE may approve an institution if it submits to CSAAVE a copy of the waiver issued by the Secretary of the U.S. Department of Veterans Affairs pursuant to title 38 of the United States Code section 3676(f)(1).

**Note:** Authority cited: 38 U.S.C. §§ 3671 and 3672; 10 U.S.C. § 16162; 38 C.F.R. §§ 21.4253 and 21.4254; Mil. & Vet. Code § 700; Educ. Code § 67101.

References: 38 U.S.C. part III, chapters 30 through 36 (beginning with § 3001); 10 U.S.C. subtitle E, part IV, chapter 1606 (beginning with § 16131); Educ. Code §§ 67100-67104, 94800 et seq., 94885.1; 38 C.F.R. §§ 21.4253 and 21.4254.

#### **Section 445. Programs of Education: Requirements for CSAAVE Approval.**

- (a) To be approved by CSAAVE, programs of education shall:
  - (1) Be offered by an institution approved by CSAAVE;
  - (2) Comply with all requirements set forth in 38 Code of Federal Regulations parts 21.4253 and 21.4254, and Education Code section 67100;
  - (3) Submit and certify to CSAAVE, for approval of accredited courses under 38 Code of Federal Regulations part 21.4253(a) or non-accredited courses under 38 Code of Federal Regulations part 21.4254(a), each of the following:

- (A) The institution's or program's cohort default rate;
- (B) The graduation and completion rate for each program as published by the institution's licensing agency or accrediting agency, where applicable; and
- (C) The license passage rate for each applicable program;
- (4) Be offered by an institution satisfying all requirements for financial responsibility applicable to institutions participating in student financial aid programs under Title IV of the Higher Education Act, including the requirements under 34 Code of Federal Regulations part 668, Subpart L and its appendices, and maintaining a composite score of at least a 1.0;
- (5) Not engage in misleading advertising regarding an institution's Title 38 eligibility criteria as set forth herein, make knowing false representations to prospective or current students regarding such criteria, or violate 38 Code of Federal Regulations part 21.4252, California Business & Professions Code sections 17200 and 17500, or Civil Code section 1750 et seq.;
- (6) Not use a name or logo to falsely or misleadingly imply that it is affiliated with a public entity, private corporation, or association, when it is not, or that it has been approved or endorsed by CSAAVE, when it has not;
- (7) Include a clear, conspicuous, and prominent link to CSAAVE's Internet website on the institution's own Internet website, identifying CSAAVE as the "Regulatory Agency with Information Concerning Approved Programs."
- (b) Any institution or program that makes implied or express representations that it prepares students to work in a profession, occupation, trade, or career field requiring licensing or certification by this state, shall:
  - (1) Obtain approval by the appropriate state licensing or certifying agency to conduct that program, and comply with the requirements of that approval;
  - (2) Meet all requirements necessary to allow a student who completes the educational program to qualify to take any required licensing or certification exam pursuant to title 38 United States Code sections 3675(b)(3) and 3676(c)(14)-(15).
- (c) Each institution desiring to enroll veterans in a non-standard college degree program as defined in this subchapter, involving a substantially different syllabus or class agenda, or involving a new or different occupation, object, or purpose than was previously approved, shall submit an application and provide to CSAAVE an employment market assessment as defined in this subchapter.
- (d) CSAAVE may consider an institution's or program's compliance with any standards, rules, or requirements prescribed by any state or federal licensing or approving agency

or entity, as well as those promulgated by any accrediting body, agency, or association, in determining whether to grant CSAAVE approval.

**Note:** Authority cited: 38 U.S.C. §§ 3671 and 3672; 10 U.S.C. § 16162; 38 C.F.R. §§ 21.4253 and 21.4254; § 700, MVC; re 85-15 rule, 38 C.F.R. §21.4201 and for 90-10 rule, § 487(a) of the Higher Education Act of 1965 [20 U.S.C. § 1094(a) (24)]: see also Educ. Code § 67101. See also Educ. Code § 69432.7.

References: 38 U.S.C. part III, chapters 30 through 36 (beginning with § 3001); 10 U.S.C. subtitle E, part IV, chapter 1606 (beginning with § 16131); Educ. Code §§ 67100-67104; 38 C.F.R. §§ 21.4253 and 21.4254, and 38 C.F.R. § 21.4201.

#### **Section 446. Authorization to Obtain Other Agencies' Information.**

Each institution that offers programs pending approval by CSAAVE under this subchapter shall provide CSAAVE with copies of all documents and other materials which CSAAVE specifically or categorically requests concerning the institution and its programs, during the approval process, including all documents maintained by the governmental, accrediting, or licensing agency or entity.

Note: Authority cited: 38 U.S.C. §§ 3671 and 3672; 10 U.S.C. § 16162; 38 C.F.R. §§ 21.4253 and 21.4254; Mil. & Vet. Code § 700; Educ. Code § 67101.

References: 38 U.S.C. part III, chapters 30 through 36 (beginning with § 3001); 10 U.S.C. subtitle E, part IV, chapter 1606 (beginning with § 16131); §§ 67100-67104, EC; 38 C.F.R. §§ 21.4253 and 21.4254.

#### **Section 447. Notice of Change in Status, Enforcement, and Student Protection.**

- (a) An institution seeking approval shall immediately notify CSAAVE of any change in institutional or programmatic accreditation, licensing, or approval status and provide all documentation associated with the change to CSAAVE within 30 days of its receipt.
- (b) If an institution or program fails to fully satisfy any of the requirements of section 445 of this subchapter, CSAAVE may suspend the approval of a course for new enrollments, or approval of a licensing or certification test of the Title 38 eligible institution for a period not to exceed 60 days, if evidence of record establishes that the course of licensing or certification test fails to meet any of the requirements for approval. The institution shall have up to 60 days to correct any deficiencies.
- (c) CSAAVE shall immediately disapprove the course or licensing or certification test, if any of the requirements for approval are not being met and the deficiency cannot be corrected within a period of 60 days.
- (d) Upon suspension or disapproval, CSAAVE shall notify the institution by certified or registered letter with a return receipt secured.

**Note:** Authority cited: 38 U.S.C. §§ 3671 and 3672; 10 U.S.C. § 16162; 38 C.F.R. §§ 21.4253, 21.4254 and 21.4259; Mil. & Vet. Code § 700; Educ. Code § 67101.

References: 38 U.S.C. part III, chapters 30 through 36 (beginning with § 3001); 10 U.S.C. subtitle E, part IV, chapter 1606 (beginning with § 161); Educ. Code §§ 67100-67104; 38 C.F.R. §§ 21.4253 and 21.4254.